

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

PAUL J. MANAFORT, JR.,

Defendant

Crim. No. 17-201-1 (ABJ)

UNOPPOSED MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE RESPONSES TO
DEFENDANT'S MOTIONS TO DISMISS

The United States of America, by and through Special Counsel Robert S. Mueller, III, files this motion for an extension of time to respond to defendant Paul Manafort's three motions to dismiss. *See* Docs. 235, 236, 237. The government seeks an extension to and including April 2, 2018 to respond to Doc. 235, and to and including April 4, 2018 to respond to Docs. 236 and 237. Counsel for defendant Manafort consents to the requested extensions if his deadlines to reply are adjusted accordingly—to April 9, 2018 for Doc. 235, and to April 11, 2018 for Docs. 236 and 237.

1. On October 27, 2017, the grand jury returned a 12-count indictment alleging that Manafort and co-defendant Richard Gates committed crimes in connection with work that he performed for Russia-backed political entities of the Ukraine. In a November 3, 2017 minute order, the Court noted its intention to set a trial schedule and stated that if a trial date were set at the then-upcoming hearing, Manafort's pre-trial motion to dismiss would be due on December 1, 2017. Doc. 27, at 1. No schedule was set. At a status conference on January 16, 2018, and in a minute order entered the same day, the Court established a new motions schedule, providing that

“Defense Motions pursuant to Federal Rule of Criminal Procedure 12(b)(3)(A) or (B) shall be filed by 2/23/2018.”

Four weeks later, on February 14, 2018, the Court suspended that schedule. On February 23, a substantially similar five-count superseding indictment, no longer charging Gates, was unsealed. At the February 28 arraignment and status hearing following the return of that indictment, Manafort’s counsel asked for an additional two weeks, for a due date of March 14. Tr. 4-5. The Court announced a motions schedule, entered by order on March 1: “Any defense motion to dismiss pursuant to Fed. R. Crim. Proc. 12(b)(3)(A) or (B) must be filed by March 14, 2018; the opposition will be due on March 28; and the reply will be due on April 4. A hearing on the motion will be held on April 19, 2018 at 9:30 a.m.”

2. On March 14, 2018, Manafort filed three separate motions to dismiss. Docs. 235, 236, 237. The first motion challenges the validity of the order of the Acting Attorney appointing the Special Counsel and defining his jurisdiction; further argues that this prosecution falls outside of the scope of the Special Counsel’s jurisdiction even if the appointment order is valid; and finally claims that the remedy for these purported defects is to dismiss the indictment for the Court’s asserted lack of jurisdiction and for violation of the Federal Rules of Criminal Procedure. *See* Doc. 235. The second motion argues that two counts relating to false and misleading statements are multiplicitous under the Double Jeopardy Clause and that one of the two counts should be dismissed. Doc. 236. The third motion argues that Count Two, charging money laundering conspiracy, fails to charge an offense and, accordingly, it must be dismissed and an associated forfeiture allegation stricken. Doc. 237.

3. The government, with the consent of the defendant, respectfully requests additional time to file its responses—five days for the government’s response to the motion challenging to the

Special Counsel's authority and this Court's jurisdiction (Doc. 235), and one week for its responses to the motions challenging particular counts (Docs. 236-237). Under that schedule, the government's response to Doc. No. 235 would be due on April 2 and the government's response to Doc. Nos. 236 and 237 would be due on April 4, 2018. The additional time is needed because the government is preparing its responses while conducting other matters to prepare this case for trial and because one of the responses—involving the challenge to the Special Counsel's authority to conduct this prosecution—requires the Special Counsel to coordinate closely with other interested components of the Department of Justice, including the Office of the Deputy Attorney General, who is the Acting Attorney General for this case.

Manafort had substantial time to prepare his motions, which challenge issues stemming from the original indictment returned in October 2017. And, although the Court's scheduling order provided for filing one "motion," which by local rules would have been limited to 45 pages, *see* LCrR 47(e), Manafort instead filed three motions, totaling 62 pages. In order to prepare responses that adequately address the legal arguments and authorities in Manafort's motions, the government seeks the additional time requested in this motion.

4. The requested extension would not prejudice Manafort or cause any delay in the already-scheduled proceedings. If the Court grants this motion, Manafort would still have ample time to file his reply briefs seven days after receiving the government's responses, and this Court would have complete briefing by April 11. The hearing could therefore proceed on April 19 as scheduled or, alternatively, be adjourned to a later date at the Court's discretion.

A proposed order accompanies this motion.

Respectfully submitted,

ROBERT S. MUELLER III
Special Counsel

Dated: March 21, 2018

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[Proposed] ORDER

Upon consideration of the government's Unopposed Motion for Extension of Time in Which to File Responses to Defendant's Motions to Dismiss, it is hereby

ORDERED that the government's motion is GRANTED; it is further

ORDERED that the government's response to Doc. 235 is due by no later than April 2, 2018, and its responses to Docs. 236 and 237 are due by no later than April 4, 2018; and it is further

ORDERED that Manafort's reply in support of Doc. 235 must be filed no later than April 9, 2018, and any replies in support of Docs. 236 and 237 are due on April 11, 2018.

Date

HON. AMY BERMAN JACKSON
UNITED STATES DISTRICT JUDGE